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July 20, 2020

VIA ECF

Hon. Philip M. Halpern
The Hon. Charles L. Brieant, Jr.
Federal Building and United States
Courthouse
300 Quarropas Street
White Plains, NY 10601

RE: Bayer v. County of Dutchess, et al
7:19-cv-03383 (PMH)
Our File No. 5050-97

Application granted. The pre-motion conference scheduled for 7/23/2020 is canceled. In the event of any discovery dispute following supplemental productions, the party seeking a conference shall submit a letter-motion to the Court in accordance with my Individual Practices. The parties are encouraged to attempt to resolve and/or narrow their disputed issues prior to seeking the Court's intervention. Discovery deadlines extended as set forth herein. The case management conference previously scheduled for 11/13/2020 is adjourned to 1/11/2021 at 2:00 p.m.

SO ORDERED.

Philip M. Halpern
United States District Judge

Dated: New York, New York
July 21, 2020

Dear Judge Halpern:

We have received notification from the court that a conference to address the discovery issues that have arisen is currently scheduled for July 23, 2020 at 1:00 p.m. We are respectfully requesting that conference be adjourned as my father will be having surgery at the Hospital for Special Surgery on July 23rd and I will be unavailable. The plaintiff has consented to this request.

In an effort to resolve the discovery issues, on July 20, 2020, we served a supplemental Rule 26 disclosure clarifying our original disclosure and producing additional documents, this additional disclosure was more than 800 pages. We are in the process of preparing a supplemental response to plaintiff's demand for documents, which is likely to resolve many of the issues raised, but still need additional documents from our clients, which have been requested and they are working on compiling. I am advised that I will have the documents to prepare further responses by July 27th, and will promptly review and exchange them. They mostly relate to the personnel files and the policies and procedures. Gathering documents has proven extremely difficult due to limited access because of the pandemic. While we believe that we can resolve many of the issues raised by the plaintiff in their letter objecting to the responses provided, it is likely that a conference will still be necessary.

We would respectfully request an extension of the discovery schedule so that we may have additional time to complete the exchange of discovery and conduct depositions. We understand plaintiff's desire to

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have the additional records prior to completing depositions. We had also recently received and processed authorizations for the infant child's medical records which we would like to have prior to conducting the plaintiff's depositions. To date, we do not have any of those records. We would jointly propose the following schedule:

- The date for completion of depositions be extended from August 3, 2020 to October 5, 2020;
- The date for either part to serve a notice to admit be extended from August 13, 2020 to October 13, 2020;
- The date for plaintiffs to serve expert disclosure be extended from October 2, 2020 to December 2, 2020;
- The date for defendants to serve expert disclosure be extended from November 6, 2020 to January 6, 2021;
- The date for a party intending to file a dispositive motion to file a pre-motion letter be extended from October 30, 2020 to December 30, 2020;
- The date for non-moving party to respond to the moving party's pre-motion letter be extended from November 6, 2020 to January 7, 2021.

In discussing possible dates with the plaintiff's attorney for the re-scheduling of the conference, all parties would be available on July 24, July 27, or July 29, 2020. Alternatively, if the court would agree, we can submit our supplemental responses, with responses to plaintiff's objections by July 31, 2020 and schedule a conference for the first week of August to address any remaining concerns, with the caveat that the date to complete depositions will be extended.

Respectfully yours,

McCABE & MACK LLP



KIMBERLY HUNT LEE

KHL/dmf

cc: Daniel Hallak, Esq./The Russell Friedman Law Group